



Serial No.: 10/010,731

Confirmation No.: 4312

Applicant: Jihong Liang et al.

Atty. Ref.: 11899.0193.DVUS02

**AMENDMENTS:****IN THE CLAIMS:**

Please amend the claims in the following manner:

1-14 (Canceled)

15. A recombinant host cell comprising a DNA segment encoding one or more antifungal polypeptides, wherein said polypeptide is selected from the group consisting of SEQ ID NO:2 and SEQ ID NO:14.

16. (Currently amended) The recombinant host cell of claim 34 ~~[further defined as]~~ wherein the host cell is a potato cell.

17. A method of making an antifungal polypeptide, comprising the steps of:

- a) preparing a recombinant vector comprising a DNA segment encoding an antifungal polypeptide, wherein said polypeptide is selected from the group consisting of SEQ ID NO:2 and SEQ ID NO:14, and wherein said DNA segment is positioned under the control of a promoter that functions in a host cell;
- b) introducing said recombinant vector into a host cell;
- c) culturing said host cell to allow expression of the encoded antifungal polypeptide; and
- d) collecting said expressed antifungal polypeptide.

18-24. (Canceled)

25. (Currently amended) A transgenic plant having incorporated into its genome ~~[a transgene comprising]~~ a DNA molecule ~~[having]~~ comprising a nucleotide sequence that encodes one or more antifungal polypeptides selected from the group consisting of SEQ ID NO:2 and SEQ ID NO:14, wherein said nucleotide sequence is expressed in said plant.



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26-27. (Canceled)

28. Progeny of the plant of claim 25, wherein said progeny comprises said DNA molecule.

29. (Currently amended) Seed ~~[or progeny]~~ from the plant of claim 25, wherein said seed comprises said DNA molecule.

30-32. (Canceled)

33. A method of controlling a plant fungus, said method comprising transforming a plant with a vector comprising a DNA encoding an antifungal polypeptide having the amino acid sequence of SEQ ID NO: 2 or SEQ ID NO:14, and allowing expression of said antifungal polypeptide, wherein said antifungal polypeptide is expressed in said plant.

34. (Currently amended) The recombinant host cell of claim 15 ~~[further defined as a plant cell, said plant cell being]~~ wherein said host cell is a plant cell from a plant selected from the group consisting of apple, alfalfa, barley, broccoli, cabbage, canola, carrot, citrus, corn, cotton, garlic, oat, onion, pea, peanut, pepper, potato, rice, rye, sorghum, soybean, strawberry, sugarbeet, sugarcane, tomato, turf grasses, and wheat.

35. (Currently amended) [A] The transgenic plant of claim 25, wherein said nucleotide sequence comprises SEQ ID NO:6 or SEQ ID NO:13 ~~[a sequence that encodes the polypeptide as set forth in SEQ ID NO:15].~~

36. (Currently amended) A transgenic plant ~~[of claim 35, wherein said]~~ having incorporated into its genome a DNA molecule comprising a nucleotide sequence [is] selected from one or more of



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the group consisting of a) the portion of the nucleotide sequence as set forth in SEQ ID NO:10 that encodes the polypeptide as set forth in SEQ ID NO:15; b) the nucleotide sequence as set forth in SEQ ID NO:13 from position 105 to position 242.

37. (New) The transgenic plant of claim 36, wherein said nucleotide sequence encodes the polypeptide set forth in SEQ ID NO:15.